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#### REMARKS/ARGUMENTS

This is a Response to the Office Action mailed 04/05/2006 wherein claims 1-28 were rejected. Claims 1-3, 7, 15 and 19-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ichikawa [US 5,153,560]; and claims 4-6, 8-12, 16-18 and 26-28 were rejected under U.S.C. §103(a) as being unpatentable over Ichikawa in view of Lane et al. [US 6,002,994; Lane].

Claims 1-28 remain pending in this application. Reconsideration in light of the amendments and the following remarks is respectfully requested.

The Examiner rejected claims 1-3, 7, 15 and 19-25 under 35 USC §103 (a) as being unpatentable over Ichikawa. Specifically, with regard to claims 1, 15 and 19-21, the Examiner concluded that Ichikawa discloses "a system for determining whether a resident of a home is inactive within the home or away from the home, ...wherein the determination circuitry to determine whether a resident of the home is away from the home based upon the timing of the first signal relative to the second signal..., and when the remaining one does not move until the given time set is passed, the infrared sensor produces no output signal..., that constitutes an inactive within the home." In response, the Applicants respectfully traverse the rejection.

Although Ichikawa generally discloses an apparatus for detecting whether a person is inside a room having a door, Ichikawa does not disclose a system for determining whether a resident of a home is *inactive within the home* or away from the home. Ichikawa's apparatus only determines if someone is or is not within a room. Ichikawa's apparatus does not and cannot determine that someone is in the room but inactive. Ichikawa's apparatus produces an absolute yes or no determination that someone is in a given room. Ichikawa's apparatus does not and cannot determine that, although there is not any movement in a room, there nevertheless is still a person in the room who is inactive. As noted in paragraphs 006 and 007, the subject invention solves a problem that Ichikawa does not and cannot, namely, provides a system that is able to determine whether a person is unusually inactive within the home or merely away from the home. In contrast, Ichikawa merely determines that someone is or is not in a room.

Although the Examiner cites to Ichikawa's col. 7, lines 9-16 to support the Examiner's conclusion that "no output signal...constitutes an inactive [sic] within the house", this portion of Ichikawa's disclosure does not provide the necessary teaching. In fact, this portion of Ichikawa's disclosure teaches away from the subject invention. Specifically, Ichikawa teaches that "[w]here two persons are present inside the room, if one of them leaves the room, and if the remaining one

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does not move until the given time..., then the infrared sensor produces no output signal...[and] the flip-flop 9a is reset...indicat[ing] that no person is present in the room...[I]f the remaining person moves subsequently, the movement is detected by the infrared sensor...[t]he output signal from the flip-flop 9a goes high, indicating the presence of a person or persons inside the room..." It is this type of system, such as Ichikawa's, that will produce a high false alert rate that the subject invention avoids. Therefore, the claims are patentable at least because Ichikawa's apparatus does not disclose a monitoring center that is adapted to determine whether a resident of the home is inactive within the home as recited in independent claim 1 or the quiet state recited in independent claims 15 and 19.

With regard to claim 23, Ichikawa does not disclose a step to determine whether the home is in an away state that comprises ascertaining the exterior door movement event and ascertaining no activity with the at least one motion sensor prior to exterior door movement event. Although the Examiner cites to col. 7, lines 10-13, this portion of Ichikawa does not disclose the elements of claim 23. Ichikawa does not ascertain an away state by ascertaining no activity with the motion sensor *prior to* exterior door movement. At col. 7, lines 10-13, Ichikawa discloses that if there is no movement inside the room *after* the door movement within the given time set, then the Ichikawa's apparatus is reset to indicate that no person is present in the room.

With regard to claim 25, Ichikawa's apparatus does not, as noted above, comprise a step to determine whether the home is in a quiet state and more particularly does not disclose the substeps of : ascertaining the home is *not in an away state*; *and* ascertaining that the at least one motion sensor has closed for a pre-determined and configurable period of time; *and* ascertaining *that the at least one motion sensor has not opened or closed* within the period of time.

With regard to claims 7 and 22, Ichikawa does not disclose a motion sensor that is an inside door sensor or any of the other sensors recited in claims 7 and 22. Although the Examiner cites to col. 5, lines 27-29, this portion of Ichikawa's disclosure does not disclose an inside door sensor. The only sensor mentioned in this portion of Ichikawa's disclosure is the pyroelectric infrared sensor which is never disclosed by Ichikawa as an inside door sensor. In fact, Ichikawa teaches away from an inside door sensor by expressly teaching that Ichikawa's pyroelectric infrared sensor utilizes a pyroelectric crystal whose spontaneous polarization varies with temperature and that infrared rays corresponding to the temperature of the human body and the ambient temperature are made to hit the pyroelectric crystal. A change in the difference in energy between these two kinds of infrared rays causes a change in the spontaneous polarization which, in turn, changes the surface charge resulting in a potential difference which, in turn, indicates movement of a person, not an inside door, within the optical field of view is detected.

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Therefore, as stated above, the present invention, as claimed in Claims 1-3, 7, 15 and 19-25 are patentable over the Ichikawa reference. Thus, it is respectfully requested that the rejection of Claims 1-3, 7, 15 and 19-25 under 35 USC §103(a) be withdrawn.

The Examiner also rejected claims 4-6, 8-12, 16-18 and 26-28 under 35 USC §103 (a) as being unpatentable over Ichikawa in view of Lane et al. Specifically, with regard to claims 11 and 26-27 the Examiner concluded that Ichikawa discloses "a system for determining whether a resident of a home is inactive within the home or away from the home, ...wherein the determination circuitry to determine whether a resident of the home is away from the home based upon the timing of the first signal relative to the second signal..., and when the remaining one does not move until the given time set is passed, the infrared sensor produces no output signal..., that constitutes an inactive within the home." The Examiner further concludes that "Ichikawa discloses a timer adapted to run a pre-selected time period (given time) after the detection of the first activity." In response, the Applicants respectfully traverses the rejection.

Although Ichikawa generally discloses an apparatus for detecting whether a person is inside a room having a door, Ichikawa does not disclose a system for determining whether a resident of a home is *inactive within the home or otherwise in a quiet state*, or away from the home for all the reasons noted above with regard to independent claims 1, 15 and 19, and therefore also respective dependent claims 4-6, 8-10, and 16-18. With regard to independent claim 11 and dependent claim 12, In addition to Ichikawa's failure to disclose a system for determining whether a resident of a home is inactive within the home for the reasons noted above, Ichikawa also does not disclose at least one wireless motion sensor positioned to detect a first activity and to transmit a first signal indicative of the first activity, wherein the at least one wireless motion sensor comprises a timer adapted to run a pre-selected time period *after the detection of the first activity*. Although the Examiner cites to col. 7, lines 9-12 of Ichikawa as disclosing a pre-selected time period after the detection of the first activity, in fact, Ichikawa merely discloses a pre-selected time period *after someone leaves the room*, not a pre-selected timer period after *detection of an activity within the room*. It is not surprising that Ichikawa does not disclose such an element, because Ichikawa is merely concerned with whether someone is in or out of the room, not that someone is in present but inactive in the room.

Similarly, with regard to independent claim 26, Ichikawa also does not disclose the steps of starting a timer for a pre-determined period of time *after motion is detected in the house* to conclude and signal that the house is in an active state, wherein upon expiration of the pre-

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determined period of time without sensing any further motion within the home, sending a second signal to the central monitoring center indicating the home is in a quiet state; sensing movement of an exterior door to the home and sending a third signal to the central monitoring center indicative of the movement of the exterior door; and comparing a time of the third signal with the time of the second signal to determine whether a resident of the home has left the home or is inactive within the home. As noted, Ichikawa also does not disclose a wireless motion sensor positioned to detect a first activity and to transmit a first signal indicative of the first activity, wherein the wireless motion sensor comprises a timer adapted to run a pre-selected time period *after the detection of the first activity*. Ichikawa's apparatus consequently never sends a second signal to the central monitoring that the home is in a quiet state (occupied but inactive) and, still further, consequently never sends a third signal to the monitoring center and never compares a time of a third signal with a time of a second signal to determine if someone has left or is inactive within the home.

Therefore, as stated above, the present invention, as claimed in Claims 4-6, 8-12, 16-18 and 26-28 are patentable over Ichikawa in view of Lane et al. Thus, it is respectfully requested that the rejection of Claims 4-6, 8-12, 16-18 and 26-28 under 35 USC §103(a) be withdrawn.

Each of the Examiner's rejections has been addressed. Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

If anything further is needed to place the application in condition for allowance, please contact Applicants' undersigned representative in Niskayuna, Massachusetts at the telephone number below.

Respectfully submitted,

  
Jennifer Haackl  
Reg. No. 41812

General Electric Company  
Building K1, Room 3A62  
Niskayuna, New York 12309

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Telephone: (518) 387-6191 or  
(518) 387-7122